

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|----------------------------|---|------------------------------|
| Gemar Morgan, |) | CASE NO. 4:23 CV 666 |
| |) | |
| Plaintiff, |) | JUDGE JOHN R. ADAMS |
| |) | |
| v. |) | |
| |) | MEMORANDUM OF OPINION |
| FBOP-FCI Elkton, <i>et</i> |) | AND ORDER |
| |) | |
| <i>al.</i> , Defendants. |) | |

Pro se Plaintiff Gemar Morgan, a federal prisoner in FCI-Elkton, filed this Petition for a Writ of Mandamus under 28 U.S.C. § 1361 asking this Court to order the Defendants “to abide by the commands of the Code of Federal Regulation specifically 28 C.F.R. §§ 542; 548.” He did not pay the filing fee for this action, and instead, filed an Application to Proceed *In Forma Pauperis*. Because Plaintiff is a prisoner in a correctional institution, he is required to include with his Application a certified copy of his prisoner trust account statement for the six-month period preceding the filing of this action. Plaintiff did not provide the Court with a certified copy of his prisoner trust account statement and his application therefore was incomplete.

On June 13, 2023, this Court ordered Plaintiff to do one of two things within 30 days of the date of the Order: (1) pay the full fee of \$402; or (2) complete and submit a Financial Application that includes a certified copy of his prisoner account statement for the six-month period preceding the filing of this action. The Court notified Plaintiff that failure to comply with

that Order may result in dismissal of this action without further notice. More than 30 days have passed and Plaintiff has neither paid the full filing fee or submitted a Financial Application with a certified copy of his prisoner trust account statement.

Accordingly, Plaintiff's Application to Proceed *In Forma Pauperis* is denied, and this action is dismissed for failure to prosecute. The Court finds, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/John R. Adams 7/19/23

JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE